

# In the Court of Appeals of the State of Alaska

**Basil Backford,**

Appellant,

v.

**State of Alaska,**

Appellee.

Court of Appeals No. **A-12995**

## **Order**

Motion to Extend Stay of Appeal

Date of Order: **10/4/2019**

Trial Court Case No. **3DI-15-00307CR**

After the Appellant, Basil J. Backford, fired his privately retained attorney, this case was stayed for 60 days to allow Mr. Backford to retain another attorney to represent him in this appeal. Mr. Backford then filed a pro se motion requesting an extension of that stay, explaining that he had not yet been able to retain another attorney. In an order dated September 23, 2019, this Court — among other things — granted this request, and extended the stay until October 25, 2019. In doing so, the Court noted that if Mr. Backford had not retained a private attorney by October 25, the Court would remand the case for a representation hearing to determine if Mr. Backford qualified for the assistance of counsel at public expense.

On September 25, however, Mr. Backford filed another pleading, asking to stay the case for an additional 90 days. Mr. Backford explained that he had contacted an attorney who had indicated he would be unable to take on an appeal until November or December because of the attorney's current case load. That said, nothing in Mr. Backford's pleadings suggest that the attorney will actually be able to take on a new appellate case in the coming months, and if so, whether the attorney will agree to represent Mr. Backford in his current appeal. For this reason, the request to continue the stay for 90 days is **DENIED**.

However, in the event that this Court denied his new request to extend the stay, Mr. Backford alternatively requested a representation hearing. The request for a representation hearing is **GRANTED**.

Accordingly, **it is ORDERED:**

1. This case is remanded to the superior court for a hearing to determine if Mr. Backford is eligible for the assistance of counsel at public expense.
2. If the superior court finds that Mr. Backford is eligible for the assistance of counsel at public expense, the superior court shall make an appropriate appointment and shall direct the new attorney to promptly file an entry of appearance in this Court.
3. If the superior court concludes that Mr. Backford is not eligible for the appointment of counsel at public expense, the superior court shall notify this Court of this finding.
4. The superior court's report on this matter shall be provided to this Court on or before October 31, 2019. This deadline can be extended by the superior court for good cause conditioned upon a status report to this Court.
5. The current stay until October 25, 2019 is **VACATED**; upon receipt of the superior court's report, the Clerk's Office shall issue a Notice of the new due date for Mr. Backford's opening brief.
6. This order is entered prior to the due date for an opposition. If a timely opposition is filed, a judge will review the matter *de novo*. App. R. 503(d).

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October 4, 2019

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts

A handwritten signature in dark ink, appearing to read "K. Roberts", is written over a horizontal line.

Kyle Roberts, Deputy Clerk

cc: Court of Appeals Judges  
Central Staff  
Judge Christina Reigh

Distribution:

Mail:

Backford, Basil

Burke, Elizabeth Tempel